

§ 121.107

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the entire period of measurement, rather than only for the period after which affiliation ceased.

[61 FR 3286, Jan. 31, 1996, as amended at 69 FR 29203, May 21, 2004]

§ 121.107 How does SBA determine a concern's "primary industry"?

In determining the primary industry in which a concern or a concern combined with its affiliates is engaged, SBA considers the distribution of receipts, employees and costs of doing business among the different industries in which business operations occurred for the most recently completed fiscal year. SBA may also consider other factors, such as the distribution of patents, contract awards, and assets.

§ 121.108 What are the penalties for misrepresentation of size status?

In addition to other laws which may be applicable, section 16(d) of the Small Business Act, 15 U.S.C. 645(d), provides severe criminal penalties for know-

ingly misrepresenting the small business size status of a concern in connection with procurement programs. Section 16(a) of the Act also provides, in part, for criminal penalties for knowingly making false statements or misrepresentations to SBA for the purpose of influencing in any way the actions of the Agency.

SIZE STANDARDS USED TO DEFINE SMALL BUSINESS CONCERNS

§ 121.201 What size standards has SBA identified by North American Industry Classification System codes?

The size standards described in this section apply to all SBA programs unless otherwise specified in this part. The size standards themselves are expressed either in number of employees or annual receipts in millions of dollars, unless otherwise specified. The number of employees or annual receipts indicates the maximum allowed for a concern and its affiliates to be considered small.

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

| NAICS codes | NAICS U.S. industry title | Size standards in millions of dollars | Size standards in number of employees |
|---|---|---------------------------------------|---------------------------------------|
| Sector 11—Agriculture, Forestry, Fishing and Hunting | | | |
| Subsector 111—Crop Production | | | |
| 111110 | Soybean Farming | \$0.75 ..... | ..... |
| 111120 | Oilseed (except Soybean) Farming | \$0.75 ..... | ..... |
| 111130 | Dry Pea and Bean Farming | \$0.75 ..... | ..... |
| 111140 | Wheat Farming | \$0.75 ..... | ..... |
| 111150 | Corn Farming | \$0.75 ..... | ..... |
| 111160 | Rice Farming | \$0.75 ..... | ..... |
| 111191 | Oilseed and Grain Combination Farming | \$0.75 ..... | ..... |
| 111199 | All Other Grain Farming | \$0.75 ..... | ..... |
| 111211 | Potato Farming | \$0.75 ..... | ..... |
| 111219 | Other Vegetable (except Potato) and Melon Farming | \$0.75 ..... | ..... |
| 111310 | Orange Groves | \$0.75 ..... | ..... |
| 111320 | Citrus (except Orange) Groves | \$0.75 ..... | ..... |
| 111331 | Apple Orchards | \$0.75 ..... | ..... |
| 111332 | Grape Vineyards | \$0.75 ..... | ..... |
| 111333 | Strawberry Farming | \$0.75 ..... | ..... |
| 111334 | Berry (except Strawberry) Farming | \$0.75 ..... | ..... |
| 111335 | Tree Nut Farming | \$0.75 ..... | ..... |
| 111336 | Fruit and Tree Nut Combination Farming | \$0.75 ..... | ..... |
| 111339 | Other Noncitrus Fruit Farming | \$0.75 ..... | ..... |
| 111411 | Mushroom Production | \$0.75 ..... | ..... |
| 111419 | Other Food Crops Grown Under Cover | \$0.75 ..... | ..... |
| 111421 | Nursery and Tree Production | \$0.75 ..... | ..... |
| 111422 | Floriculture Production | \$0.75 ..... | ..... |
| 111910 | Tobacco Farming | \$0.75 ..... | ..... |
| 111920 | Cotton Farming | \$0.75 ..... | ..... |
| 111930 | Sugarcane Farming | \$0.75 ..... | ..... |
| 111940 | Hay Farming | \$0.75 ..... | ..... |
| 111991 | Sugar Beet Farming | \$0.75 ..... | ..... |
| 111992 | Peanut Farming | \$0.75 ..... | ..... |
| 111998 | All Other Miscellaneous Crop Farming | \$0.75 ..... | ..... |